

AGENDA
Interested Persons' Meeting
November 1, 2007, 2:00 PM
8th Floor Hearing Room
428 J Street, Suite 800
Sacramento, California 95814

Membership Communications Under Section 85312

In view of the recent statutory amendments to Government Code Section 85703 the staff of the Fair Political Practices Commission (the "Commission") will hold an interested persons' meeting soliciting public input to assist the Commission in its review and consideration of further regulatory action addressing the membership communications provisions of Government Code Section 85312.

Issues:

At the January 2007 Commission meeting, the Commission considered a request for a formal opinion submitted by Stacey Fulhorst, Executive Director of the San Diego Ethics Commission. The request sought the Commission's determination regarding the ability of local jurisdictions to regulate political parties' membership communications in circumstances addressed in Regulation 18531.7, but not applicable to political parties under that regulation. (See staff memorandum, item #12, Commission Agenda for January 12, 2007, at www.fppc.ca.gov "Agendas"/"Past Agenda"). At that meeting, the Commission decided not to issue an opinion, but to incorporate the issues presented into the scheduled regulatory project set for the calendar year 2007, examining issues surrounding member communications.

Since the January 2007 Commission meeting, staff received public input at the May 2007 interested persons' meeting and has been developing a regulation that applies to political party member communications, as well as developing amendments to the current regulation concerning non-political party member organizations. Since that time, the Legislature passed and the Governor has signed AB 1430, making statutory amendments to Section 85703 of the Political Reform Act. The amendments appear to prohibit local authorities from imposing certain restrictions and limitations on payments made for member communications unless these restrictions and limitations are authorized by statute or *by a regulation adopted by the commission....* Staff has been informed the legislation's purpose was to create a uniform set of rules that apply to all local jurisdictions and avoid the hodgepodge of inconsistent local regulatory restrictions.

At the November 1, 2007 interested persons' meeting, the staff will solicit input from interested persons regarding this issue to consider what regulations the Commission should enact to interpret and implement Government Code Section 85312 to provide uniformity and best further the purposes of the Act under Section 85312 and AB 1430's amendments to Government Code Section 85703.

The Commission invites written comments addressing these topics. General written comments may be addressed to William J. Lenkeit, Legal Division Senior Counsel at the address set forth above. To participate in this interested persons' meeting by telephone, please contact Juanita Lira at (916) 322-5660.